

APPROVED

TOWN OF WESTFORD

BOARD OF SELECTMEN

MINUTES

DATE: December 9, 2003

TIME: 7:30 P.M.

PLACE: J.V. Fletcher Library

PRESENT: Christopher Romeo, Robert Jefferies, Dini Healy-Coffin,
Allan Loiselle, James Silva

OTHERS

PRESENT: Steve Ledoux-Town Manager, Audience Members

Open Forum

Loiselle wished good luck to the Pop Warner Junior Cheerleading Squad in the upcoming Pop Warner Tournament competition being held in Florida.

**Public Hearing – Change of Manager – Willow’s Restaurant, 75
Brookside Road**

Romeo opened the public hearing. Attorney William Burke was present representing Stephen Ramalho, purchaser of the Willow’s Restaurant. Burke requested approval of the transfer the liquor license from John Smith to Stephen Ramalho. There was no input from the floor.

**It was moved by Healy-Coffin, seconded by Jefferies, and VOTED
UNANIMOUSLY, to close the public hearing.**

**It was moved by Healy-Coffin, seconded by Jefferies, and VOTED
UNANIMOUSLY, to transfer the liquor license from John Smith to Stephen
Ramalho.**

Recap of Special Town Meeting

Romeo stated that the Board asked to discuss the apparent disconnect between an article and a motion at the recent Special Town Meeting held on November 4, 2003. The Board felt that the motion seemed to be much more involved and beyond the scope of the article. Ellen Harde, Town Moderator, stated that the reason for the warrant is to alert the taxpayers about upcoming issues. Harde stated that when a warrant is put together oftentimes there is information that is not available until just prior to town meeting. Harde suggested assisting in the preparation of the timeline and to make it more inclusive. Harde felt that it was important to follow the timeline. Harde also recommended that the meeting with Town Counsel to review the motions occur before the last Selectmen's meeting (prior to town meeting). Harde suggested that Town Counsel draft all of the motions from the beginning so that there are no discrepancies between articles and motions. Healy-Coffin recommended that the Chairman of the Board of Selectmen be present at the motion review meeting along with Town Counsel, the Town Manager and the Town Moderator. Romeo suggested that the Finance Committee Chairman also attend the motion review meeting. Healy-Coffin stated that she was not comfortable with the three petitions articles at the beginning of the recent Special Town Meeting. Romeo stated that a future agenda item could address the placement of articles. Ledoux announced that the first meeting in January 2004 there will be a discussion involving the timeline for both the annual town meeting and the fall town meeting. Ledoux and Romeo to discuss these issues at the next Joint Chairs Meeting. The Board was concerned with a mailing that went out to the voters which appeared to be from the Board and outlined the terms of the motions. Romeo pointed out that the Board did not see the mailing prior to its distribution. Harde stated that she was told that the Board had seen the mailing. Romeo recommended that any future mailings need to be signed off by the Board before being mailed.

Discussion of New Supplemental Property Tax Law

Paul Plouffe, Principal Assessor, was present to discuss the Supplemental Tax Assessment on new construction as detailed in his memo dated December 3, 2003. Plouffe stated that the Supplemental Tax Assessment allows the Assessor's Office to provide a supplemental assessment and tax bill for the current fiscal year beginning July 1st. Plouffe stated that this would generate more paper work for his office. Plouffe questioned whether it would be advantageous to pursue the Supplemental Tax Assessment given that Westford is seeing fewer new homes and new construction. Plouffe outlined how the Supplemental Tax Assessment works, the potential revenue based upon a rough estimate of occupancy permit dates, and the problems involved with the legislation. Plouffe requested that the Board vote to not continue with this legislation. Romeo noted that this is a potential revenue raiser. Romeo was concerned with another growth spurt due to the influx of Chapter 40B projects. **It was moved by Healy-Coffin, seconded by Loiselle, and VOTED UNANIMOUSLY, to not rescind and to continue with the Supplemental Tax Assessment on new construction and collect as much money as possible.**

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Update from the Communications Advisory Committee (formerly Cable Advisory Committee)

Dave Levy, Chairman of the Communications Advisory Committee (CAC), was present to update the Board on the recent license renewal negotiations and issues impacting customers of Comcast. Levy reported that Westford is now 100% upgraded for Broadband and that customer service is now local. The three call rule still applies

regarding neighborhood outages. Levy outlined the advantages of digital and high definition television. Levy stated that Comcast mailed out a brochure regarding the 10% cable rate increase in 2004. Comcast is planning to double the download speed for internet access at no cost to the customer. Levy also reported that Comcast provided the CAC with a draft ten (10) year license proposal in lieu of formal negotiations. Levy outlined the license renewal provisions from Comcast which included local cable access studios being taken over by the municipality and being paid for by the customers. Levy stated that Comcast is also proposing the I-NET access being removed. Levy stated that the town-wide ascertainment has begun and a municipal survey will be sent to town boards and the schools. Levy announced that a public hearing will likely be held in February 2004. Jefferies recommended establishing a per mile tax on the internet for Comcast. Levy stated that he would take Jefferies' suggestion to the table. Silva, also a CAC member, stated that Comcast is taking out the good parts of the license and telling customers that they have to pay for certain services. Silva asked that the Board provide guidance to the CAC in the future. **It was moved by Jefferies, seconded by Silva, and VOTED UNANIMOUSLY, to keep the I-NET maintained and upgraded, to keep the cable studio maintained and upgraded, and that the Cable Access Supervisor (Ron Zimmerman) keep his job.** Healy-Coffin thanked Levy for his dedication and hard work with the CAC.

Old Business/New Business

Fire Department Fees – Chief Richard Rochon and Don Parsons, Fire Prevention Officer, were present to discuss the proposed Fire Department fee increases. Parsons reviewed the proposed permit fee changes for the Westford Fire Department as outlined his letter dated December 4, 2003. Parsons proposed changing the Permit Fee application from \$10.00 to \$25.00; the re-inspection fee from no charge to \$15.00; and an hourly rate for commercial inspections. Chief Rochon noted that the fees have not changed in approximately thirty years. Parsons also proposed implementing a \$10.00 fee for open burning permits. Chief Rochon stated that currently a homeowner calls in for permission to open burn. Chief Rochon proposed going to paper permits for entry into the Fire Department computer which makes the process more efficient and easier to track the burn permit. Loiselle was concerned that homeowners will not come to the Fire Station for a permit. The Board did not support the burn permit charge. Parsons asked the Board to review the proposal of the number of other communities that charge for open burning. Chief Rochon outlined the current fee schedules for hazmat and asked the Board to reaffirm that schedule.

It was moved by Healy-Coffin, seconded by Jefferies, and VOTED 4 IN FAVOR WITH 1 OPPOSED (Silva), that the Board accept the new fee structure as recommended by Chief Rochon and Donald Parsons for everything, but the hazmat and open burning, which includes residential fees and commercial fees. Silva stated that he was not comfortable making a decision on material just received at the meeting.

It was moved by Healy-Coffin, seconded by Loiselle, and VOTED UNANIMOUSLY, to reaffirm the current status on hazmat fees.

Selectmen to Enter Into Conservation Restriction (CR) with William and Marian Harman, Chamberlain Road

William Harman, 10 Chamberlain Road, was present seeking the Board's acceptance of a CR for five (5) acres of land. Harman described the area to be designated CR and to be added to the current eight (8) acre CR for a total of thirteen (13) acres of CR land.

Loiselle asked Paul Plouffe, Principal Assessor, what the cost of the CR would be to the Town. Plouffe stated that the property is currently in Chapter 61B and that there would be a minimal loss of revenue. **It was moved by Healy-Coffin, seconded by Jefferies, and VOTED UNANIMOUSLY, to accept the Conservation Restriction.** The Board thanked Mr. and Mrs. Harman for their donation.

Discussion of Supporting Baby Safe Haven Law

Michael Morrissey, 15 Clelland Road, Lexington, was present seeking support from the Board of the Baby Safe Haven Law to file a home rule petition for "Safe Placement for Newborns and Infants". Morrissey outlined the bill that is currently in legislation. Morrissey also addressed the opposition to the bill. Morrissey stated that the cities of Boston, Westfield, and the towns of Lexington, Ludlow, Framingham and Natick passed a Baby Safe Haven home rule petition. Morrissey reported that forty-five states have passed Baby Safe Haven laws, covering 97% of the US population. Morrissey showed a 4-minute video and public service announcement regarding the placement of babies in a safe haven. Healy-Coffin stated that she would like to hear from Westford's Police Chief and Fire Chief. Chief Rochon stated that he would like a more comprehensive package of information to bring to the firefighters. Romeo stated that he would place this item on the agenda for the Annual Town Meeting in May 2004.

Hiring Freeze Requests

Board of Health – Health Agent Position – Zac Cataldo, Chairman of the Board of Health and Darren MacCaughey, Director of Environmental Services were present. Cataldo asked that the Board lift the hiring freeze for the position of Health Agent recently vacated by MacCaughey. **It was moved by Jefferies, seconded by Healy-Coffin, and VOTED UNANIMOUSLY, to approve the lifting of the hiring freeze for the Health Agent position.**

Healy-Coffin asked for a future discussion with the Board of Health relative to calls that she received from residents feeling that they were being over-inspected at community and church events where food is served. Cataldo reported that the State Food Code has expanded. Romeo stated that the Board would schedule a future agenda item for discussion.

Water Department Request for Holiday Help – Ledoux reminded the Board that the Water Department mentioned using the summer help during the Christmas holiday. **It was moved by Jefferies, seconded by Healy-Coffin, and VOTED UNANIMOUSLY, to allow the Water Department to use their summer help during the Christmas holiday.**

Licenses and Permits

Annual Renewals – A list of all licenses to be renewed for the year 2004 was submitted by the Town Clerk's office, dated December 1, 2003. Loisel noted that the Dunkin Donut shops located within service stations are noted listed. Silva pointed out that Zia Trattoria now has a full license but is listed as beer and wine. Silva also pointed out that the automatic amusement license for Westford Grille is not listed. Healy-Coffin stated that Java Mama's on Littleton Road was also not on the list. Ledoux stated that he would check with the Town Clerk's office regarding the discrepancies in the list and that the Board could vote on the missing items at the Joint Boards meeting with the Planning Board on Monday, December 15, 2003. **It was moved by Healy-Coffin, seconded by Jefferies, and VOTED UNANIMOUSLY, to approve the list as amended.**

Franklin Property

Ledoux referenced a memorandum from Donald Parsons, Fire Prevention Officer, regarding an outstanding balance in the amount of \$740.00 for fire alarm service. Parsons stated that he has sent out reminders but Mr. Franklin has not responded. The Board directed Ledoux to discuss with Town Counsel what the Town's rights are regarding this matter.

Brookside Mill

Ledoux did not have a report at this time. Healy-Coffin stated that the site looks great.

Minutes

It was moved by Healy-Coffin, seconded by Jefferies, and VOTED UNANIMOUSLY, to approve the minutes of October 21, 2003

It was moved by Jefferies, seconded by Silva, and VOTED 4 IN FAVOR WITH 1 ABSTAINING (Healy-Coffin), to approve the minutes of October 28, 2003.

It was moved by Healy-Coffin, seconded by Jefferies, and VOTED UNANIMOUSLY, to approve the minutes of November 4, 2003; November 10, 2003; November 11, 2003; and the Executive Session minutes of November 11, 2003 but NOT release to the public.

Board Reports/Updates

Affordable Housing Committee – Romeo announced that the next meeting of the Affordable Housing Committee would be held on Wednesday, December 10, 2003 at 7:15 a.m., Tadmuck Senior Housing.

Stepinski Land Acquisition Negotiating Team (SLANT) – Healy-Coffin reported that SLANT had a meeting recently mostly in executive session. Healy-Coffin stated that they are working towards the goal. Healy-Coffin will bring specifics to the Board at a future date.

Westford Highway Garage – Jefferies reported that the work has reached the top of the hill. The Highway Garage committee is currently choosing colors for the building.

Correspondence

12.4 Letter of congratulations to Sandy Collins/Westford BOH re: recipient of Medical Reserves Corps Grant. The Board asked for an explanation from Collins regarding the grant.

12.7 Letter from Gov. Mitt Romney re: Homeland Security efforts. Jefferies to draft a letter to the Governor.

12.11 Letter from Comcast re: update of services and pricing changes for services. To be discussed at a future meeting.

Executive Session

The Board voted to go into executive session at 10:20 p.m. for the purpose of discussing with Town Counsel the Tresca litigation and a discussion of IAFF negotiations (without Town Counsel). The Board to reconvene to regular session for purpose of adjourning.

Open Items

- 12/9-1 Ledoux and Romeo to discuss at Jt. Chairs Meeting STM recap and recommendations.
- 12/9-2 Ledoux to place an agenda item for Annual Town Meeting re: Baby Safe Have home rule petition.
- 12/9-3 Ledoux to schedule discussion with BOH re: residents feeling over-inspected re: community and church events serving food.
- 12/9-4 Ledoux to check discrepancies in list of licenses with Town Clerk.
- 12/9-5 Ledoux to discuss with Town Counsel the Town's rights re: Franklin's unpaid fire alarm bill.
- 12/9-6 Ledoux to get explanation from Sandy Collins/BOH re: grant.
- 12/9-7 Jefferies to draft a letter to Gov. Romney in response to his letter re: Homeland Security efforts (corr. 12.7).
- 12/9-8 Ledoux to schedule discussion at future meeting re: letter from Comcast (corr. 12.11).

Reconvene to Regular Session and Adjournment

The Board reconvened to regular session at 11:05 p.m. It was moved by Healy-Coffin, seconded by Jefferies, and VOTED UNANIMOUSLY, to adjourn the meeting.

Submitted by Beth Kinney, Recording Secretary